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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,526	01/29/2001	Otto Dobrounig	ADI-020CN	9695

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EXAMINER

WONG, STEVEN B

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 09/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SM.

Office Action Summary

Application No.
09/771,526

Applicant(s)
Dobrounig

Examiner
Steven Wong

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3711



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 17, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 24-27 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 24-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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Allowable Subject Matter

1. The indicated allowability of claims 1-12 and 24-27 is withdrawn in view of the newly applied reference WO 95/09034. Rejections based on the reference follow.

Claim Rejections - 35 USC § 103

2. Claims 1-4, 6, 7, 9-12 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 95/09034 (Mills) in view of Delacoste. Regarding claim 1, Mills discloses a soccer ball construction including an inflatable core (1) and an outer skin (13) formed from a plurality of cut pieces.

Delacoste reveals a soccer ball construction including an outer skin including a syntactic material (note column 3, lines 45-62). It would have been obvious to one of ordinary skill in the art to include a syntactic material in the ball construction of Mills in order to construct a soccer ball having physical properties substantially akin to those of conventional leather balls.

Regarding claims 2-4, 6 and 11, Delacoste teaches dispersing polymeric hollow microspheres within polyurethane material.

Regarding claims 7, 9 and 10, Mills teaches an internal layer (12) for the ball formed of fibre cloth.

Regarding claim 12, Mills provides a middle skin and a backing layer (12) and an inflatable bladder layer (11).

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Regarding claims 24 and 25, Mills teaches for the layers to be bonded together. Mills also states that the ball may be hand-sewn together.

Regarding claims 26 and 27, it would have been obvious to one of ordinary skill in the art to provide the microspheres of Delacoste in the recited amount as the applicant has not shown the criticality for the recited amount and it appears that the amounts taught by Delacoste would accomplish similar purposes.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 95/09034 (Mills) in view of Delacoste and Okumoto et al. Okumoto et al. teach a plurality of acrylonitrile copolymer microspheres within a polyurethane matrix material. It would have been obvious to utilize microspheres formed from acrylonitrile copolymer in order to take advantage of that material's particular physical characteristics.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 95/09034 (Mills) in view of Delacoste and Kennedy et al. (5,091,265). Kennedy et al. disclose a ball construction including an outer layer formed from an aliphatic material (note column 4, lines 17-25). It would have been obvious to one of ordinary skill in the art to utilize an aliphatic material in the ball composition of Mills in order to take advantage of that materials' physical characteristics

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is (703) 308-3135.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Official responses, subject to the provisions of 37 C.F.R. 1.6(d), can be faxed to (703) 305-3579.

Unofficial faxes which are meant for discussion purposes only should be sent to (703) 308-7768. It is strongly suggested that the examiner be contacted directly before sending any unofficial fax.


Steven Wong
Primary Examiner
Art Unit 3711

SBW
August 27, 2002